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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,053	11/04/2003	Michael Sanke	APV31658	3119

24257 7590 09/06/2005

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EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/700,053

**Applicant(s)**

SANKE

**Examiner**

Jerry Redman

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

The applicant's information disclosure statement dated 2/20/2004 has been considered and a copy has been placed in the file.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the door or building closure as recited throughout the claims; a door jamb, building, and overhead as recited in claim 23, lines 4-5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The abstract of the disclosure is objected to because the "means" phraseology fails to fully describe the invention. Correction is required. See MPEP § 608.01(b).

Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 3 and 4, the phraseology "a safety or securing means safeguarding or securing said emergency release device against unintentional or unauthorized actuation" is not readily understood by the Examiner. Exactly what is the applicant trying to claim? In claim 2, line 2, the phraseology "and/or" is indefinite and fails to positively recite the claimed invention. Claim 2, in its entirety, is not readily understood by the Examiner. Specifically, what is meant by "for defeating are possibly only in making use of a tool, a key, or in destroying an element"? Claim 3, in its entirety, is not readily understood by the Examiner. Specifically, what is meant by "the device is actuatable in any position of said building closure"? In claim 5, line 5, the phraseology "for releasing same" is not readily understood by the Examiner. In claim 6, lines 3 and 4, the phraseology "and/or" is indefinite and fails to positively define the structure. Claim 8, in its entirety, is not readily understood by the Examiner. Specifically, what is meant by "and defeats same only by making use of a tool, a key, or/and destruction of the blocking member? In claim 10, line 4, the phraseology

“actuatable in defeating said bias by means of said actuating means” is not readily understood by the Examiner. In claim 11, line 2, there is a lack of antecedent basis for “said linking transmission means”. In claim 13, lines 3-4, there is a lack of antecedent basis for “said linking transmission means”. In claim 15, line 2, the phraseology “and/or” is indefinite and fails to positively define the claimed invention. In claim 18, line 2, there is a lack of antecedent basis for “said linking transmission means”. In claim 19, lines 4-5, the phraseology “in defeating said bias by means of said actuating means” is not readily understood by the Examiner. In claim 20, line 2, there is a lack of antecedent basis for “said linking transmission means”. In claim 21, line 6, the phraseology “in defeating said bias by means of said actuating means” is not readily understood by the Examiner. In claim 21, line 10, there is a lack of antecedent basis for “said linking transmission means”. In claim 21, line 16, the phraseology “the other shiftable relative to each other” is not readily understood by the Examiner. In claim 22, lines 4-5, the phraseology “defeats same only by making use of a tool, key, or/and destruction of the blocking member” is not readily understood by the Examiner. In claim 22, line 10, there is a lack of antecedent basis for “said safety means”. In claim 23, line 4-5, the phraseology “on a door jamb of a building or site closure or overhead” is not readily understood by the Examiner. Is the site closure the same as the building closure previously recited throughout the claims? What is an overhead? In claim 25, lines 3 and 14 there is a lack of antecedent basis for “said linking transmission means”. Claim 26, in its entirety, is not readily understood by the Examiner. Specifically, in lines 1-2, is this the same building closure as recited in claim 1? In line 1, is this the same building

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closure operator as recited in claim 1? In claim 27, line 3, is the "door leaf" the same as the "building closure" that's recited throughout the claims and specifically the building closure that's recited in claim 1? In claim 27, lines 3-4, the phraseology "a self-locking gearing connected thereto as a motor operator assembly" is not readily understood by the Examiner. Furthermore, is the "motor operator assembly" that's recited in claim 27, the same motor operator assembly that's recited in claim 1? Claim 28, in its entirety, is not readily understood by the Examiner. Is the overhead door and door leaf the same as the building closure that's recited throughout all of the claims? What exactly is the applicant trying to claim?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-32 are further rejected under 35 U.S.C. 102(b) as being anticipated by Slopa (4,098,023). Slopa ('023) discloses an emergency release device for a building closure (14) comprising a cable within a securing sheath (92) a handle (67/72), a securing pin (81), a biasing spring (28), a camming element (78) which blocks movement (75), a disconnecting means (25), a U-shaped bracket (95), and a jack-shaft operator (16). U.S. patent to Mullet et al. ('910) disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet et al. ('454)

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disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet ('255) discloses a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet et al. ('824) discloses a manual disconnect similar to that of the applicant's invention. U.S. patent to Angelini et al. disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Sivin et al. disclose a manual disconnect similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.



**Jerry Redman**  
**Primary Examiner**